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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,332	10/31/2001	Donna M. Lomangino	11922-35832	5216

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LITMAN LAW OFFICES, LTD
PO BOX 15035
CRYSTAL CITY STATION
ARLINGTON, VA 22215

EXAMINER

WINTER, JOHN M

ART UNIT PAPER NUMBER

3621

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/003,332

Applicant(s)

LOMANGINO, DONNA M.

Examiner

John M Winter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-29 and 31-39 is/are rejected.
- 7) ☒ Claim(s) 30 and 40 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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DETAILED ACTION

Status

Claims 1-20 have been canceled

Claims 21-40 have been appended.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Response to Arguments

The applicants arguments filed on February 2, 2005 have been fully considered.

The Examiner states that the reference to Mull, (US Patent Application Publication US 2004/0039649) has been withdrawn.

The Examiner submits that the claimed features to the invention are disclosed by the newly discovered reference to Himmelstein (US Patent Application Publication 2002/0038278). See following rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21-29 and 31-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Himmelstein (US Patent Application Publication 2002/0038278).

As per Claim 21,

Himmelstein ('278) discloses a method for facilitating recirculation of goods, said comprising.

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providing a recirculation website (Figure 1);
receiving information regarding a good from a donor, the good being chattel property or other physical item;(Figure 4A)
posting information regarding the good on the recirculation website(Figure 4A),
receiving a request from a recipient for the posted good; (Figure 4D)
facilitating transfer of the good from the donor to the recipient without any remuneration occurring between the donor and the recipient.(Paragraph 23)

The Examiner notes that although Himmelstein et al does not specifically state that no remuneration between the donor and recipient occurs, he does disclose that a virtual money system is used, the Examiner contends that it would be obvious the exchange of virtual money is does not qualify as receiving compensation since the virtual money has no inherent value.

As per Claims 22 and 32,
Himmelstein ('278) discloses the method according to claim 21,
further comprising classifying recipient within a predefined class and the donor within a predefined class. (Paragraph 39, Himmelstein sorts users into groups of traders)

Claim 32 is in parallel with claim 22 and is rejected for at least the same reasons.

As per Claims 23 and 33,
Himmelstein ('278) discloses the method according to claim 22, further comprising
Determining whether the predefined class of the recipient is eligible to request the posted good.(Paragraph 39, Himmelstein uses a filter function to disqualify undesirable recipients)

Claim 33 is in parallel with claim 23 and is rejected for at least the same reasons!

As per Claims 24 and 34,
Himmelstein ('278) discloses the method according to claim 21,
Official Notice is taken that "Registering the recipients on the website and classifying the registered recipients and donors within classes" is common and well known in prior art in reference to charitable donation systems. It would have been obvious to one having ordinary skill in the art at the time the invention was made to register recipients on a website in order to reduce the potential of fraudulent usage.

Claim 34 is in parallel with claim 24 and is rejected for at least the same reasons.

As per Claims 25 and 35,
Himmelstein ('278) discloses the method according to claim 24, further comprising .
Official Notice is taken that "identifying posted good to recipients of predetermined classes previously ineligible to request the posted after a predetermined period of time in which the posted good remains available for retrieval by recipient member of a predefined class eligible to request the posted good" is common and well known in prior art in reference to charitable donation systems. It would have been obvious to one having ordinary skill in the art at the time the invention was made to allow initially undesigned members to claim an item after a period

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of time has passed in order to reduce the amount of "onhand" inventory in the system and reduce the need for physical storage space.

Claim 35 is in parallel with claim 25 and is rejected for at least the same reasons.

As per Claims 26 and 36,
Himmelstein ('278) discloses the method according to claim 21,
Classifying recipients and donors in a predefined class for charity/non-profit organizations. (Figure 9A, paragraph 30)

Claim 36 is in parallel with claim 26 and is rejected for at least the same reasons.

As per Claims 27 and 37,
Himmelstein ('278) discloses the method according to claim 21, further comprising
Classifying recipients and donors in a predefined class for business/individual entities.
(Figure 9A, paragraph 30)

Claim 37 is in parallel with claim 27 and is rejected for at least the same reasons.

As per Claims 28 and 38,
Himmelstein ('278) discloses the method according to claim 21, further comprising
recipients and donors in a predefined class for any entity. (Figure 9A, paragraph 30)

Claim 38 is in parallel with claim 28 and is rejected for at least the same reasons.

As per Claims 29 and 39,
Himmelstein ('278) discloses the method according to claim 21, further comprising
soliciting donor to transfer the posted good to the recipient. (Figure 8)

Claim 39 is in parallel with claim 29 and is rejected for at least the same reasons.

As per Claim 31,
Himmelstein ('278) discloses a system facilitating recirculation of goods, said system comprising:

- a recirculation web server with a processor,(Figure 1)
- a recirculation website associated with the recirculation web server, the recirculation website being a global repository of goods posted for recirculation, and for facilitating recirculation of goods between donors and recipients without any economic remuneration occurring between donors and recipients;(Figure 1)
- recirculation software carried on a computer readable medium;

wherein said recirculation software, when executed by the processor, causes the software to carry out steps comprising:(Figure 1)

- receiving information regarding a good from a donor, the good being chattel property or

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other physical item;(Figure 4A)

posting information regarding the good on the recirculation website',
receiving a request from a recipient for the posted good; (Figure 4A)

facilitating transfer of the good from the donor to the recipient without any remuneration
occurring between the donor and the recipient.(Paragraph 23)

The Examiner notes that although Himmelstein et al does not specifically state that no remuneration between the donor and recipient occurs, he does disclose that a virtual money system is used, the Examiner contends that it would be obvious the exchange of virtual money is does not qualify as receiving compensation since the virtual money has no inherent value.

Allowable Subject Matter

Claims 30 and 40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Examiners note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M Winter whose telephone number is (571) 272-6712. The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P Trammell can be reached on (571) 272-6713. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

April 17, 2005
JMW

JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600